Parliament consists of:

¢ President

¢ Council of state | Rajya Sabha or upper house]

¢ House of people [Lok Sabha or lower house]

Functions of Parliament.

¢ Principle function of Parliament is to legislate i.e.

to make laws on all subjects enumerated in Union

and Concurrent list (also on residuary subjects) &

in some cases on state list subjects for the benefit

of the country.

¢ Providing the Cabinet

¢ Control of the Cabinet

¢ Criticism of the Cabinet

Qualifications to become an MP

¢ citizen of India

\* not less than 30 yrs in case of Rajya Sabha and 25 yrs in

case of Lok Sabha

¢ any other qualification as prescribed by parliament

\* he must be registered as a voter in any parliamentary

constituency

\* He must be a member of SC/ST in any state or UT if he

wishes to contest in reserved seats. However he can also

contest from unreserved seats too.

**Rajya Sabha**:

¢ Strength - maximum 250 ,maximum 238 are members of

states and UT's elected indirectly and 12 are nominated by

the president.

¢ Representatives of states in the Rajya Sabha are elected by

only the elected members of state legislative

assemblies. Proportional representation is the system of

election and seats are allocated on basis of population.

¢ Only Delhi and Puducherry have representation in the Rajya

Sabha.

¢ 12 members to Rajya Sabha are nominated by president having special knowledge in field of arts, science, social service and literature.

¢ the number of representatives of the States to the Council of States varies from 1 (Nagaland) to 31 (Uttar Pradesh).

**How R.S members are Elected?**

It is a permanent body and can’t be dissolved.

Every two years one third of its members retire and at beginning of every third year their seats are filled by presidential nominations and re-elections

A person can be re-elected and renominated any number of times.

The constitution has left to parliament to decide the term of office of a Rajya Sabha MP and the order of retirement of MP’s.

Special powers of the Rajya Sabha:

Art 249 - It allows the parliament to make laws on matters in the state list.

Art 312 - It allows parliament to create a new all India service common to centre and States.

Art 67- removal of Vice President

**Lok Sabha**

Strength - It can have maximum 550 elected and 2 nominated members. Out of which 530 are from states and 20 from UT’s. These are elected on universal adult franchise.

The voting age was reduced from 21 to 18 yrs by 61\*\* amendment. Constitution has empowered parliament to decide how the representatives of UT can be chosen [election or otherwise].

Lok Sabha automatically dissolves after 5 years from the date of its first sitting in normal circumstances.

**Features of the Lok Sabha**

To ensure uniformity of representation between different states and within a state between different constituencies. After every census delimitation exercise is done to decide representation to each state and territorial constituencies in each state.

However the allocation of seats for states were frozen till the year 2026 (census: 1971] for encouraging population control measures. Currently 2001 census is used for delimitation but the numbers of seats of states aren’t altered. Only the numbers of SC and ST seats in a state are changed in accordance with the census.

Difference between LS and RS

**The Speaker of the Lok Sabha**

is the presiding officer of the Lok Sabha,.

Speaker is elected in the very first meeting of the Lok Sabha following general elections., chosen from amongst the members of the Lok Sabha.

Speaker & Deputy Speaker of Lok Sabha

: Elected by members of LS among themselves & do remain in office as long as they are members of the house

: Speaker continues in his office even after LS is dissolved, till newly elected LS is constituted.

° Only exercises his casting vote in case of tie i.e. in case of equality of votes > to maintain impartiality of his office

: He is representative & spokesperson of the house in its collective capacity & chief custodian of its powers & privileges

**Powers of Speaker**

° Possesses certain powers that do not belong to chairman of RS

° Presides over joint sitting of 2 houses of the parliament .

When a money bill is transferred from LS to RS, power to certify it as money bill is given to speaker & his decision whether a bill is money bill or not is final

: Under anti deflection act, authority of speaker if final, though open to judicial review **Removal of Speaker**

Speaker & deputy speaker may resign by writing to each other

Can be removed by a resolution passed by effective majority after giving a 14 days prior notice

When such a notice is in consideration against the speaker, He cannot preside over the proceedings of the house. He can, however, participate in proceedings of the house & can even vote in 1st instance, though not when there is an equality of votes

**Chairman of Rajya Sabha**

VP / Chairman of RS presides over the proceedings of RS as long as he does not act as President of India

\* In absence of chairman, Deputy Chairman presides over the proceedings of RS

\* Deputy Chairman is elected by members of RS among themselves

\* Deputy Chairman’s salary is equivalent to speaker of Lok sabha

\* Presiding officer of each house has the final power to interpret the rules of procedure of the house

\* Both chairman & deputy chairman cannot preside over a sitting of the house, when resolution of their removal is under consideration. However they can be present, can speak for themselves & take part in proceedings of the house but without right to vote

**Removal of Deputy Chairman**

lf he resigns, or Ceases to be member of RS, or Can be removed by passing a resolution by majority, but such a resolution can only be moved after giving 14 days advance notice to him

**Disqualifications**

. holds an office of profit under union or state government only [not local]

. unsound mind, undischarged insolvent and not a citizen of India

. been found guilty of electoral offences and corrupt practices in elections

. sentenced for more than 2 yrs imprisonment for a crime President decision on disqualification on these matters is final but he has to obtain advice of election commission on this matters.

**Tenth Schedule — Anti defection**

The speaker of Lok Sabha or chairman of Rajya Sabha decides on matters of disqualification of MP’s if.

\* he resigns from membership of party on whose ticket he contested elections

\* he votes or abstains from voting contrary to directions given by party

\* independently elected member joins any party

° nominated member joins any party after expiry of 6 months of the period on which he joined.

Exceptions:

(a) If a member goes out of his party as a result of a merger of the party with another party. A merger takes place when two-thirds of the members of the party have agreed to such merger.

(b) If a member, after being elected as the presiding officer of the House, voluntarily gives up the Membership of his party or rejoins it after he ceases to hold that office. This exemption has been provided in view of the dignity and impartiality of this office.

**Functioning of Parliament**

a) The President shall summon each House of Parliament to meet at such time and place, but six months shall not intervene between its last sitting in one session and the date appointed for its sitting in the next session.

b) The President may from time to time —

(i) Prorogue the Houses or either House

(ii) Dissolve the House of the People.

**Sessions of the Parliament**

a) A session of Indian Parliament is the time period during which a House meets almost every day continuously to transact business.

b) There are three sessions in a year.

a. the Budget Session (February to May)

b. the Monsoon Session (July to September)and

c. the Winter Session (November to December).

c) A sitting of Parliament can be terminated by adjournment, adjournment sine die, prorogation or dissolution.

**Question Hour**

The day’s business normally begins with the Question Hour during which question asked by the members are answered by the Minister. The different types of questions are —

**(a) Starred Question**: It is one for which an oral answer is required to be given by the Minister on the floor of the House. Supplementary question may be asked based on the Minister’s reply. The Speaker decides if a question should be answered orally or otherwise. One member can ask only one starred question in a day.

(b) **Unstarred Question**: It is one for which the Minister lays on the table a written answer. A ten day notice has to be given to ask such question and no supplementary questions can be asked with regard to such questions.

(c) **Short Notice Question**: This type of question which can be asked by members on matters of public importance of an urgent nature. It is for the speaker to decide whether the matter is of urgent nature or not. The member has also to state reasons for asking the question while serving notice.

**Zero Hour** - This period follows the ‘Question Hour’ and it normally begins at noon. Usually, the members use this period to raise various issues for discussion.

TERMS RELATED TO THE PARLIAMENTARY FUNCTIONING

**Summoning**

a) It is the process of calling all members of the Parliament to meet.

b) Indian President to summon each House of the Parliament from time to time.

c) The maximum gap between two sessions of Parliament cannot be more than six months.

° **Adjournment**

a) An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks..

b) An adjournment only terminates a sitting and not a session of the House.

c) The power of adjournment lies with the presiding officer of the House.

° **Adjournment Sine Die**

a)means terminating a sitting of Parliament for an indefinite period i.e when the House is adjourned without naming a day for reassembly, it is called adjournment sine die. b) The power of adjournment sine die lies with the presiding officer of the House.

° **Prorogation**

a) means the termination of a session of the House by an order made by the President under article 85(2)(a) of the Constitution.

b) Prorogation terminates both the sitting and session of the House.

c) However, the President can also prorogue the House while in session.

° **Dissolution**

a) Dissolution ends the very life of the existing House, and a new House is constituted after general elections are held.

b) Rajya Sabha, being a permanent House, is not subject to dissolution. Only the Lok Sabha is subject to dissolution.

**Cut Motions(only in LS)**

A motion that seeks reduction in the amount of a demand presented by the govt. is known as a cut Motion.

Such motions are admitted at the speakers’ discretion. It is a device through which members can draw the attention of the government to a specific grievance or problem. e There are three types Of cut motions —

(i) **Disapproval of policy cut** — to express disapproval of the policy underlying a particular demand, Says that ‘the amount of the demand be reduced to Re. 1”.

(ii) **Economy cut** — motion which seeks to reduce the demand by a specific sum with a view to effecting the economy in the expenditure.

(iii) **Token cut** — is a device to ventilate specific grievances within the sphere of the government’s responsibility. The grievance has to be specified. Usually, the motion is in the form, “The amount of the demand is reduced by Rs. 100”.

**\* Privilege Motion**

Moved by a member, if in his opinion, any minister/ any member commits a breach of privilege of the house by withholding any fact or by giving distorted version of facts

**\* Adjournment Motion (only in LS)**

Setting aside normal business of the house for discussing a matter of urgent public importance

° **Calling attention motion (Only in LS)**

A member with prior permission of the speaker, calls the attention of ministries on matter of urgent public importance He may make a brief statement or ask for the time to make a statement at later hour or date (Indian innvotaion)

**\* Censure Motion (Only in LS)**

This motion is moved by opposition parties against whole COMs or against any individual minister for failure to act seeking disapproval of their policy. Speaker has to decide its order & fix a date for discussion of this motion & if it is Passed in LS, Govt need not to resign, but COM is bound to seek confidence of LS as early as possible If a money bill or vote of thanks to President (in joint session of parliament) is defeated, it also amounts to censure of the government policy & govt needs to seek confidence of LS as early as possible

**No confidence Motion (Only in LS)**

COMs remain in office as long as it enjoys majority support or confidence of LS. Once, it loses the confidence of the house, it is bound to resign. Moved against only COMs, not against any individual member (unlike censure motion) Further unlike censure motion, no date is fixed or any time allotted to COMs as this motion takes precedence over all pending businesses of the house

**Confidence Motion (Only in LS**)

Came in to existence under Indian parliamentary practice mainly due to formation of coalition governments. Process is similar to no confidence motion except it is moved by the gov. itself to prove & ensure confidence of LS .If this motion is defeated, COMs is bound to resign

**Bills in Parliament**

\* **Public member bill**

Bill introduced by a minister of government, can be —

Ordinary bill

Money bill

Financial bill

Constitutional amendment bill

\* As it is moved by the government itself, President does not interfere in introduction of the bill as he is obligatory to advice of COM

\* **Private member bill**

A bill introduced by a non-government member

President can use his powers of absolute veto & can reject the bill , provided bill comes for tabling in the house before presidential recommendation.

Every member can introduce a bill only for 4 times a year

**Ordinary bill**

**First reading**: Member asks for the leave of the house to introduce the bill. If the leave is granted he introduces title and objectives, the bill is published in the gazette of India. If bill is published before its introduction leave of the house isn’t needed. No debates or voting takes place.

**Second reading**: Detailed scrutiny of bill.

A) Here printed copies of the bill are given to all house members. The house can take the bill for immediate consideration or at a fixed date. It can be referred to a select committee or a joint committee of both houses. It can be circulated for public opinion.

B) A committee scrutinizes the bill and amends it if needed. A detailed clause by clause review is done. Committee submits report to the house.

C) The house examines the bill in detail. Each clause is examined and voted upon. Amendment if succeeded is added to the bill.

**Third reading**: The entire bill is discussed and voted; no amendments are allowed at this stage. If the bill is passed by a simple majority then it’s authenticated by the presiding officer and goes to the second house.

**Joint Sitting**

In the second house the bill can be either passed without amendments or passed with amendments or rejected or no action is taken. If the first house rejects the amendments or second house rejects bills or **no action is taken for six months then a deadlock is deemed to have taken place and a joint sitting is called by the president**.

Joint sitting is notified by the president after which no house can proceed on the bill. **Speaker or in his absence deputy speaker or in his absence deputy chairman of RS presides** over the joint sitting. If he is also absent the any member in the joint sitting can preside as chosen by the members present**. Joint sitting can’t be done for money bills or constitution amendments.**

In a joint sitting a **bill needs to be passed by a simple majority**.

lf the president returns the bill for reconsideration then both houses have to pass it again with or without amendments then this time the president must have to give his assent.

**Financial bills**

They are of three types: Money bills, financial bills — 1 and Financial bills — Il;

Money bills can be introduced only in Lok Sabha and only after the president’s recommendation. It is a government bill and can be introduced only by a minister.

When it is passed by the Lok Sabha and transmitted to the Rajya Sabha. RS can’t amend it but only make recommendations or take no action or reject outright; in either case it has to return it within 14 days. The LS can accept or reject the recommendations and then it goes to the president.

Bill is a money bill if it deals with:

\* Provisions of taxation;

\* Borrowing by the union government;

\* appropriation of funds from the consolidated fund of India;

\* Payment into or withdrawal from consolidated fund or contingency fund of India;

\* Declaration of amount charged on consolidated fund or increasing this amount;

\* Audit of accounts of union or states;

\* receipts of money on account of consolidated fund or public account of India or custody or issue of such money;

\*it is not a money bill if it deals with only: Provisions of taxation by local body or at local levels; imposition of fines or penalties; demand for licence fees or service fees;

**Constitutional amendment**

Introduced in RS & LS

Introduced as - Public + Private member bill.

Presidential assent in introduction- Not Required

Provision for joint sitting - NA

Passing Majority - (X > 50 %)Special Majority (X > 2/3 of members present & voting)

**Status of Bills if Lok Sabha dissolves:**

Whenever a Lok Sabha dissolves the bills that are pending before it [transmitted to it by RS or originating before it] lapse, also all bills passed by the Lok Sabha but not approved by RS also lapse.

However bills originating in the RS and not yet passed by it or not yet transmitted to LS don’t lapse;

also bills passed by both houses waiting president’s assent don’t lapse.

Bills send by president for reconsideration don’t lapse.

Bills held due to deadlock and president have notified a joint sitting on them before the LS was dissolved also don’t lapse.

Financial bills — I:

it can contain matters of money bills [all or some] but have to also contain provisions of general legislation. Such bills can be introduced only in LS and only after the president’s recommendation. But otherwise the procedure for passing it same as ordinary bills.

Amendments to it in any house other than abolition or reduction of tax can be moved only after president’s recommendation. President can return the bill for reconsideration too.

° Financial bills — II

It doesn’t include any matter of a money bill but deals with expenditure from the consolidated fund of India. It can be passed by a house only if the president has directed it to consider such a bill. It doesn’t need president’ recommendation for introduction. Procedure for passing in both houses is same. President can give assent withhold or return it to house for reconsideration.

**Budget (Annual Financial Statement)**

It is represented before Lok Sabha upon recommendation of the President & it is the duty of President to lay it before both the houses of Parliament

\* Presented by Finance minister on last working day of Feb month in parliament

\* Presents an estimate of receipt & expenditure of GOI for the following financial year

Gives proposal of taxation & other means to raise the receipts to meet the expenditure Contains actual receipts & expenditure of previous year with detailed review of financial position of said period

After its introduction, Lok Sabha discusses the demands for grant (i.e. proposed expenditure) of various ministries & departments, one by one. All such expenditures are charged from consolidated fund of India & presented in form of single bill called appropriation bill. Proposal for taxation to raise revenue is presented in form of financial bill

**Types of funds in India**

**Consolidated fund of India**

A fund to which all revenues received, loans raised & income received by GOI are deposited All legally authorized payments on the behalf of GO! are made out of this fund

No money can be spent out of this fund except through grants made by parliament

**Public accounts of India** (No need of Parliament’s approval)

All other public money except the one credited to consolidated fund shall be credited to Public accounts of India

Bank savings account of the departments/ministries (for day to day transactions)

National Investment fund — NIF (Money earned from disinvestment)

National Calamity & contingency fund (NCCF) (Under Home ministry) > Merged with NDRF National small savings fund, defense fund, provident fund, Postal insurance etc.

All Cess & Specific purpose surcharges

**Contingency fund of India** (No need of Parliament’s approval)

500 cr at the disposal of the President to meet unforeseen expenditures — Operated by Finance secretary

Contingency fund is used by the President where parliament’s approval cannot be obtained owing to time factor

However, sanction of parliament is necessary to replenish this fund from consolidated fund of India States have their own consolidated & contingency funds

**Expenditures & Grants**

**Charged Expenditures**

Expenditures that do not require approval of parliament to be spent out of consolidated fund of India. These expenditures are sanctioned by constitution itself:

Emoluments, allowances & expenditure of President & his office

Salary & allowances of chairman / Deputy chairman of RS + Speaker / Deputy speaker of Lok Sabha

Debt charged for which GO! is liable

Salaries, allowances & pensions of SC judges & CAG

**Vote on account**

Power of Lok Sabha (not of Rajya sabha) to authorize various ministries to incur expenditures for a part of financial year, pending the passage of appropriation bill by the parliament

**Vote of Credit**

Granted for meeting an unexpected demand upon the resources of India, when on account of magnitude, the demand could not be stated with details ordinarily given in the budget **Supplementary Grant**

Granted when the amount authorized by parliament through the appropriation act for a particular service for current financial year is found to be insufficient

**State Legislatures**

¢ State legislatures aren’t uniform. Some are unicameral but Seven Indian States, Andhra Pradesh, Telangana, Bihar, Jammu-Kashmir, Karnataka, Maharashtra and Uttar Pradesh, have bicameral Legislatures, these are called legislative councils.

¢ Thus state legislatures have governor, legislative assembly [first chamber or popular house] and legislative council [second chamber or house of elders; only if formed].

**Legislative council**

Parliament can create or abolish the second chamber if state legislative assembly makes a resolution by a special majority. This isn’t considered an amendment to the constitution so parliament can pass law by a **simple majority**.

Strength of the legislative council is from 40 to one third that of the legislative assembly. **The constitution has fixed the maximum and minimum limits but actual strength is fixed by parliament**.

J&K has a bicameral legislature due to its own constitution. Similarly the minimum strength fixed for legislative councils by constitution isn’t applicable to J&K.

**Composition of legislative council**

**One third members** are elected by legislative assembly members

**One third** are elected from local bodies,

**One twelfth** are elected by graduates of three years Standing and residing in state

**One twelfth** are elected by teachers of three years Standing and not lower in standard than secondary school

**One sixth** is nominated by governor.

**Duration of council**: The

¢ legislative council is a permanent body. One third members retire every 2 years.

¢ Term of each member is 6 years. Amember can be re-elected or re nominated any number of times.

**Legislative Assembly**

¢ State legislative assembly has strength of **60- 500 with exceptions for smaller states**.

¢ The numbers of territorial constituency have been fixed by **census of 1971 till the year 2026**. However by delimitation act census of 2001 has been considered without altering the number of constituencies in states.

**Duration of assembly**

¢ Normal term is 5 years from the date of first session. However governor can dissolve it anytime. During emergency its term can be extended by one year at a time. But not beyond a period of 6 months after emergency is removed.

**Qualifications for a member of state legislature**

**\*** Citizen of India

\*must not be less than 30 yrs in case of council and 25 yrs in case of assembly

\*For legislative council and assembly he must be an elector from the concerned state belonging to any constituency.

\* For nomination by the governor he must be a resident in the state

\*He must be a SC or ST to contest from reserved seats for them. But they can contest from unreserved seats too.

Legislative Procedure in State Legislature

**Unicameral type of government**

All bills originate in single chamber i.e. legislative assembly

When passed are presented to governor for his assent

**Bicameral type of government**

if **legislative assembly rejects a bill**, originated in Legislative council, then it is the end of the bill Procedure of money bill is same as in parliament

In case of Financial or ordinary bill, if it is passed by legislative assembly, It is sent to legislative council, where if it

° Reject the bill

° Suggest amendment to the bill not acceptable to legislative assembly

° Does not act upon the bill for 3 months

Then it is referred back to legislative assembly, If legislative assembly passes the bill for the 2nd time, it is retransmitted legislative council, where

At the expiry of 1 month period

Bill rejected outright

Bill passed with amendments not acceptable to legislative assembly

Then, bill is deemed to have been passed by both the houses & sent to governor for his assent

There is **no provision of joint sitting of state legislature to remove a deadlock**, as upper house does not enjoy equal powers with lower house & can not amend a bill on its own

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Important points

Legislative Power

\* 1. The Lok Sabha together with the Rajya Sabha has the power to frame laws on subjects in the union list, concurrent list ,and the residuary subjects.

¢ 2. Although ordinary bill can be introduced in either of two houses of the Parliament, yet almost 95% of the bills are introduced in the Lok Sabha.

\* 3. In a Joint session due to deadlock, the Lok Sabha dominates the show because of its large membership. Hence the Lok Sabha has a dominant position.

¢ 1. Under article 75(3) of, constitution council of the minister has been made responsible to the House of people that is Lok Sabha.

¢ 2. The council of minister remains in office till it enjoys the confidence of the Lok Sabha if, it loses the confidence of Lok Sabha the Council of Ministers shall have to resign.

¢ 3. Thus, the Lok Sabha enjoys the power over life and death of the council of minister.

¢ 1. The Lok Sabha has a superior position in the financial matter as a money bill can only be introduced in the Lok Sabha.

¢ 2. A money bill can only be delayed by the Rajya Sabha for a maximum of 14 days.

¢ 3. If the Rajya Sabha fails to pass the money bill within the 14 days of receiving it, the bill is deemed to have been passed by both of the houses of the Parliament.

\* 4. In case of any dispute as to whether a particular bill is money bill or not the decision of the speaker of the Lok Sabha is final.

¢ 1. The charges of impeachment against President, Judges of Supreme Court and the High court can be framed in either of two houses by a two-thirds majority of the members present voting.

¢ 2. Though the impeachment charges against the Vice President of India by Rajya Sabha, it is essential that regulation is passed by the Lok Sabha also.

¢ 3. In case of the violation of the discipline in the Lok Sabha, the members are free to take action against the defaulting members.

\* 1. A Constitutional Amendment Bill can be introduced in either House of the Parliament.

° 2. It is deemed to have been passed only when it is passed by both the houses of the parliament in accordance with the provision of Article 368 of the constitution.

\* 3. The Lok Sabha and Rajya Sabha can together amend all articles of the Constitution with the exception of those which requires special approval by one half of the state legislature.

¢ The constitution empowers the Indian President to declare three.

\* Types of emergencies.

a. National Emergency- Article 352

b. Constitutional emergency- Article 356

c. Financial emergency -Article 360

\* But each such a declaration of emergency has to be got approved by both of the houses of parliament.

¢ In case the Lok Sabha dissolved at the time of the declaration of emergency, it has to be approved by the Rajya Sabha.

Miscellaneous Power

\* a. It gives approval to the ordinance issued by the president.

\* b. It changes the boundary of state, to establish new states and change the name of States.

\* c. It makes changes in the jurisdiction of the Supreme court and High court according to the provision of the constitution.

\*d. Revising the salary and allowances of the member of the Parliament.

\* e. To discuss the report of UPSC, Auditor General of India and finance commission etc.

\* It is very evident that despite being the lower house of the Parliament the Lok Sabha is a very powerful house.

\*The Council of Minister is responsible to the Lok Sabha and not before the Rajya Sabha. They remain in office as long as they enjoy the confidence of the Lok Sabha.

\* The Lok Sabha full control over the state finances. Hence we can conclude that Lok Sabha is a more powerful chamber.

Public bill and private bill

1. A government bill is essentially introduced by a minister whereas a private bill is introduced by any member of the parliament other than a minister.

2. A government bill reflects the policies of the government while a private bill reflects the stand of opposition party on public matters.

3. As the government has majority in the parliament, public bills have greater chance to get passed. The Private members’ bills do not have this advantage.

4. The introduction of government bill in the House requires seven days notice whereas the introduction of private bill requires one month’s notice.

**Money Bill**

Only those financial bills which contain provisions **exclusively on matters listed in article 110** of the constitution are called Money Bills.

110. **Definition of Money Bill (clause 1)**

(a) the **imposition, abolition, remission, alteration or regulation** of any **tax**;

(b) the **regulation of the borrowing of money** or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the **custody of the consolidated Fund or the Contingency Fund of India**, the payment of moneys into or the withdrawal of moneys from any such Fund;

(d) the **appropriation** (upyog) of moneys out of the **consolidated Fund of India**;

(e) the **declaring of any expenditure to be expenditure charged on the Consolidated Fund of India** or the increasing of the amount of any such expenditure;

(f) the **receipt of money on account of the Consolidated Fund of India or the public account of India** or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

(g) any matter incidental to any of the matters specified in sub clause (a) to (f)

MONEY BILL IMPOTANT FACTS write

**Definition of Finance Bill**

**A bill that is apart from being a money bill i.e. having provisions of article 110 may also have other provisions it is called financial bill**.

1. **A financial bill of category-l**: It is considered same as Money Bill and introduced in the Lok Sabha on the recommendation of the President. However once it has been passed by the Lok Sabha, it is like an ordinary Bill and there is no restriction on the powers of the Rajya Sabha on powers to reject it and also there is a provision of joint sitting such Bills. Rajya Sabha has in this case.

2. **A financial bill of category-ll**: It is one which although has provisions involving expenditure from Consolidated Fund of India but does not have anything mentioned in article 110.

\*Such a bill is ordinary in all respects and both Lok Sabha and Rajya Sabha enjoy equal powers in this bill. However, only special feature of this bill is that recommendation of the President is essential for consideration and passing of these Bills by either House.

Process of Passing Bills

Ordinary bill

The five stages through, which and ordinary bill passes to become a law are as follows:

(a) First reading- It includes the introduction of the bill in either of the houses of the Parliament by a minister or by a private member. It is followed by the grant of leave and its publication in the Gazette of India.

(b) Second Reading: At this stage, the bill undergoes detailed scrutiny including discussion of every clause. This stage can be further divided into the stages of general discussion, committee stage and consideration stage.

(c) Third Reading: At this stage, no amendments are allowed. The bill needs to be passed by a simple majority of members present and voting in the House. When bill is authenticated by the presiding officer, it is sent to the other house for consideration and approval.

(d) Bill in the second House: In the second House also, the bill needs to be passed by a simple majority of members present and voting in the House. If the second House asses the bill without any amendments, the bill is sent to the president for his assent.

(e) Assent of the President: If the president gives his assent to the bill, the bill becomes an act and placed on the Statute Book. If the president withholds the assent to the bill, the bill ends.

2. Money Bill:

¢ ¢ Under article 110(1) of the Constitution, a bill is deemed to be a money bill if it contains only provisions dealing with imposition, abolition, remission, alteration or regulation of any tax, matters of Consolidated Fund, provides imposition of fines etc.

¢ © The Speaker’s certificate on a money bill once given is final and cannot be challenged. A money bill can be introduced in Lok Sabha only on the recommendation of the President.

3. Finance Bills:

\* ¢ Financial bills are those bills which relates to revenue and expenditure. Financial bills are of three kinds-Money bills-Article 110, financial bills (1) - Article 117 (1), Financial bills (11)-Article 117 (3).

\* ¢ All money bills are financial bills, but all financial bills are not money bills. Financial bill (1) can be introduced only in the Lok Sabha and not in the Rajya Sabha and can be introduced only on the recommendation of the president.

¢ ¢ Financial bill (Il) can be introduced in either House of parliament and However recommendation of the President is necessary for its introduction. Both the houses have power to reject or amend the bill.

4. Constitution Amendment Bills:

Bills seeking to amend all other provisions of the Constitution including those enumerated in the proviso to article 368(2) are called as Constitution

Amendment Bills.

These Bills can be introduced in either House of Parliament, but not in the state legislature. These bills do not require prior permission of the president and can be introduced either by a minister or by a private member.

There are three types of constitutional amendment bills:

(1) Bills that need to be passed by parliament by simple majority

(2) Bills that need to be passed by Parliament by the special majority

(3) Bills that need to be passed by Parliament by the special majority and also to be ratified by not less than one-half of the state legislatures

\* Assent to Constitution Amendment Bills: Constitution Amendment Bills passed by Parliament by the special majority and, where necessary, ratified by the requisite number of state legislatures are presented to the President.

\* The president must give his assent to the bill. He can neither withhold his assent nor return the bill for reconsideration of the parliament. The bill becomes an act after president’s assent.

**Vacating of Seats**

2. Disqualification If a member of Parliament becomes subject to any of the disqualifications specified in the Constitution, his seat becomes vacant. Here, the list of disqualifications also include the disqualification on the grounds of defection under the provisions of the Tenth Schedule of the Constitution.

3. Resignation A member may resign his seat by writing to the Chairman of Rajya Sabha or Speaker of Lok Sabha, as the case may be. The seat falls vacant when the resignation is accepted. However, the Chairman/Speaker may not accept the resignation if he is satisfied that it is not voluntary or genuine.

4. Absence A House can declare the seat of a member vacant if he is absent from all its meetings for a period of sixty days without its permission.

5. Other cases A member has to vacate his seat in the Parliament:

(a) if his election is declared void by the court;

(b) if he is expelled by the House;

(c) if he is elected to the office of President or VicePresident;

(d) if he is appointed to the office of governor of a state.

¢ If a disqualified person is elected to the Parliament, the Constitution lays down no procedure to declare the election void. \* This matter is dealt by the Representation of the People Act (1951), which enables the high court to declare an election void if a disqualified candidate is elected.

\* The aggrieved party can appeal to the Supreme Court against the order of the high court in this regard.

**In case of dissolution**

\* When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. The position Ab has; to lapsing of bills is as follows:

**A bill lapses**

1. A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).

2. A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.

**A bill does not lapse**

1. A bill not passed by the two Houses due to disagreement and if the president has a the holding of a joint sitting before the dissolution of Lok Sabha, does not lapse.

2. A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.

3. A bill passed by both Houses but pending assent of the president does not lapse.

4. A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.

**Voting in House**

¢ All matters at any sitting of either House or joint sitting of both the Houses are decided by a majority of votes of the members present and voting, excluding the presiding officer.

¢ Only a few matters, which are specifically mentioned in the Constitution like impeachment of the President, amendment of the Constitution, removal of the presiding officers of the Parliament and so on, require special majority, not ordinary majority.

\* The presiding officer of a House does not vote in the first instance, but exercises a Casting vote in the case of an equality of votes.

**Rights for ministers and attorney general**

1. In addition to the members of a House, every minister and the attorney general of India have the right to speak and take part in the proceedings of\either House, any joint sitting of both the Houses and any committee of Parliament of which he is a member, without being entitled to vote.

2. A minister can participate in the proceedings of a House, of which he is not a member. In other words, a minister belonging to the Lok Sabha can participate in the proceedings of the Rajya Sabha and vice-versa.

3. A minister, who is not a member of either House, can participate in the proceedings of both the Houses. It should be noted here that a person can remain a minister for six months, without being a member of either House of Parliament.

**Lame-duck Session** ¢ It refers to the last session of the existing Lok Sabha, after a new Lok Sabha has been elected. \* Those members of the existing Lok Sabha who could not get re-elected to\ the new Lok Sabha are called lame-ducks.

**Voting on demands of grants**

In the light of the reports of the departmental standing committees, the Lok Sabha takes up voting of demands for grants. The demands are presented ministry wise.

\* A demand becomes a grant after it has been duly voted. Two points should be noted in this context.

\* One, the voting of demands for grants is the exclusive privilege of the Lok Sabha, that is, the Rajya Sabha has no power of voting the demands.

\* Second, the voting is confined to the votable part of the budget—the expenditure charged on the Consolidated Fund of India is not submitted to the vote (it can only be discussed). While the General Budget has a total of 109 demands (103 for civil expenditure and 6 for defence expenditure), the Railway Budget has 32 demands. Each demand is voted separately by the Lok Sabha.

¢ During this stage, the members of Parliament can discuss the details of the budget.

\* They can also move motions to reduce any demand for grant. Such motions are

Charged expenditure

The budget consists of two types of expenditure—the expenditure ‘charged’ upon the Consolidated Fund of India and the expenditure ‘made’ from the Consolidated Fund of India. The charged expenditure is non-votable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament. The list of the charged expenditure is as follows:

1.emoluments and **allowances of the President** and other expenditure relating to his office.

2. Salaries and allowances of the **Chairman and the Deputy Chairman** of the Rajya Sabha and the **Speaker and the Deputy Speaker** of the Lok Sabha.

3. Salaries, allowances and pensions of the **judges** of the Supreme Court.

4. **Pensions of the judges** of high courts.

5. Salary, allowances and pension of the **Comptroller and Auditor General** of India.

6. Salaries, allowances and pension of the **chairman and members** of the **Union Public Service Commission**.

7. Administrative expenses of the Supreme Court, the office of the Comptroller and Auditor General of India and the Union Public Service Commission including the salaries, allowances and pensions of the persons serving in these offices.

8. The **debt charges for which the Government of India is liable**, including interest, sinking fund charges and redemption charges and other expenditure relating to the raising of loans and the service and redemption of debt.

9. Any sum required to satisfy any judgement, decree or award of any court or arbitral tribunal.

Stages of enactment

Presentation of budget

General discussion

Scrutiny by departmental committees

Voting on demands for grants

Passing of appropriation bill

Passing of finance bill

GRANTS

\* 1. Supplementary Grant

It is granted when the amount authorized by the Parliament through the appropriation act for a particular service for the current financial year is found to be insufficient for that year. \* 2. Additional Grant

It is granted when a need has arisen during the current financial year for additional expenditure upon some new service not contemplated in the budget for that year.

\* 3. Excess Grant

It is granted when money has been spent on any service during a financial year in excess of the amount granted for that service in the budget for that year. It is voted by the Lok Sabha after the financial year. Before the demands for excess grants are submitted to the Lok Sabha for voting, they must be approved by the Public Accounts Committee of Parliament.

\* 4. Vote of Credit It is granted for meeting an unexpected demand upon the resources of India, when on account of the magnitude or the indefinite character of the service, the demand cannot be stated with the details ordinarily given in a budget. Hence, it is like a blank cheque given to the Executive by the Lok Sabha.

\* 5. Exceptional Grant It is granted for a special purpose and forms no part of the current service of any financial year.

\* 6. Token Grant It is granted when funds to meet the proposed expenditure on a new service can be made available by reappropriation. A demand for the grant of a token sum (of Re 1) is submitted to the vote of the Lok Sabha and if assented, funds are made available. Reappropriation involves transfer of funds from one head to another. It does not involve any additional expenditure.